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Paper No. 10

Melvin A. Hunn
HILL & HUNN LLP
201 Main Street, Suite 1440
Fort Worth, Texas 76102

JAN - 4 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Frederick S.M. HERZ, et al.
Application No. 09/690,046
Filed: October 16, 2000
For: SYSTEM FOR COLLECTING,
ANALYZING, AND TRANSMITTING
INFORMATION RELEVANT TO
TRANSPORTATION NETWORKS

DECISION ON PETITION
UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed July 27, 2004 under 37 CFR § 1.137(b) to revive an abandoned application. The petition is being treated as a petition under 37 CFR § 1.181(a) to withdraw the holding of abandonment of the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed July 18, 2003. In the apparent absence of a response to the July 18, 2003 communication, the application was held abandoned and a Notice of Abandonment was mailed March 04, 2004.

In support of the petition, petitioner provides a copy of the post card listing (1) Response to 18 July 2003 Office action; (2) Petition for Extension-Three Month; (3) Check in the amount of \$776.00; (4) Substitute Declaration; and (5) Return Acknowledgment Postcard with a USPTO stamp indicating receipt at the USPTO on January 26, 2004. Petitioner also provides copies of the items 1-5 as listed on the post card.

The original response, petition for extension-three month and substitute Declaration, acknowledged as having been received in the USPTO on January 26, 2004, are not of record in the application file. However, M.P.E.P. § 503 states that "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO."

For the above stated reasons, the petition is **GRANTED**. The Notice of Abandonment is hereby withdrawn.

It is noted that the petition filed 27 July 2004 is more than two (2) months from the mailing date of the Notice of Abandonment. Under 37 CFR § 1.181(f) the petition filed 27 July 2004 may be dismissed as untimely. Petitioner is reminded to file a petition within two months of the mailing date of the Action or Notice from which relief is requested.

The application file is being forwarded to the Technology Center support staff for processing and entering the response. Since the petition under 37 CFR § 1.181 requires no fee, Petitioner's Deposit Account No. 50-1060 will be credited \$650.00 for the petition fee under 37 CFR § 1.137(b) paid on July 28, 2004.

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (571) 272-3613.

A handwritten signature in black ink, appearing to read 'Vincent N. Trans', is written over a horizontal line.

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security